

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-02-21 JAM KJM P

vs.

MIGUEL PRADO,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Since movant may be entitled to the requested relief if he can establish a violation of his constitutional rights, respondent is directed to file an answer within sixty days of the effective date of this order. See Rule 4, Rules Governing Section 2255 Proceedings.

Respondent shall include with the answer any and all transcripts or other documents relevant to the determination of the issues presented in the motion. Rule 5, Rules Governing Section 2255 Proceedings. Movant's traverse, if any, is due on or before thirty days from the date respondent's answer is filed.

Movant has requested the appointment of counsel. There currently exists no absolute right to appointment of counsel in § 2255 proceedings. See, e.g., Irwin v. United States,

1 414 F.2d 606 (9th Cir. 1969). However, 18 U.S.C. § 3006A authorizes the appointment of
2 counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Rules
3 Governing Section 2255 Proceedings. In the present case, the court does not find that the
4 interests of justice would be served by the appointment of counsel at this time.

5 IT IS THEREFORE ORDERED:

6 1. The Clerk of the Court shall serve a copy of this order, together with a copy of
7 movant's motion, on the United States Attorney or his authorized representative; and

8 2. Movant’s motion for the appointment of counsel (docket no. 266) is denied.

9 DATED: January 12, 2008.

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11 U.S. MAGISTRATE JUDGE

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